

## REMARKS

### INTRODUCTION

In accordance with the foregoing, claims 1 and 6 have been amended. Claims 1 and 5-10 are pending and under consideration.

### CLAIM REJECTIONS – 112, first paragraph

Claims 1 and 5-10 were rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement and the enablement requirement.

Regarding the rejections of claims 1 and 6 based on written description requirement, these claims have been amended to replace “non-circular shape” with a fashion disc having a diameter of 8 cm.

Regarding the rejections of claims 1 and 6 based on the enablement requirement, it is respectfully submitted that claims 1 and 6 are enabling in their present form. The operation of weighing the disc determines if the disc is an 8cm or 12cm disc. Then the operation of moving the pickup to a periphery area and measuring a focus error is used to determine if the disc is a fashion disc having a diameter of 8 cm, i.e, an 8 cm disc having a varied shape such as a star, flower or business card shape. These operations are described in paragraph [0022] of the specification.

Regarding the questions on page 6 of the Office Action, the following description, also found in paragraph [0022] of the specification, discloses how a fashion disc is detected: “...moving a pickup to the periphery area of the optical disc ( OPERATION 309), detecting a focus error (FE) signal while moving a focus lens up and down ( OPERATION 310), storing a peak-to-peak value X of the FE signal ( OPERATION 311), determining whether the value X is above a reference value ( OPERATION 312), determining the type of the optical disc as an 8 cm fashion disc ( OPERATION 313), and resetting the parameters driving the optical disc to meet the operating conditions required for the fashion disc ( OPERATION 314).”

Claims 5 and 7-10 depend on one of claims 1 and 6, respectively, and are therefore believed to be enabled and allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejections is requested.

**CLAIM REJECTIONS – 112, second paragraph**

Claims 1 and 5-10 were rejected under 35 USC 112, second paragraph, as being indefinite on two separate grounds.

Regarding the indefiniteness rejections of claims 1 and 6 based on the limitation “non-circular shape,” as previously discussed this limitation has been deleted.

Regarding the indefiniteness rejections of claims 1 and 6 based on the limitation of “if the measured focus error is above a constant value, detecting the optical disc as a fashion disc type,” this limitation is defined in paragraph [0022] of the specification. The paragraphs cited by the Examiner, [0036] and [0037], relate to operations not recited in claims 1 and 6.

Claims 5 and 7-10 depend on one of claims 1 and 6, respectively, and are therefore believed to be definite and allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

**CONCLUSION**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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